

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicants: Overstreet, et al.

Filed: 10/31/2003

Title: Method and System for Generating a Cochlear Implant Program Using Multi-Electrode Stimulation to Elicit the Electrically-Evoked Compound Action Potential

Serial No. 10/698,098

Docket No.: 05-00630-02

Customer No.: 23845

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**REQUEST TO ADD AN INVENTOR UNDER 37 CFR 1.48(a)**

A request is hereby made to add Leonid M. Litvak and Michael A. Faltys as inventors under 37 CFR 1.48(a) to the non-provisional application filed October 31, 2003, entitled "Method and System for Generating a Cochlear Implant Program Using Multi-Electrode Stimulation to Elicit the Electrically-Evoked Compound Action Potential", Serial No. 10/698,098. According to 37 CFR 1.48(a), the following items are submitted herewith:

- A statement from Leonid M. Litvak and Michael A. Faltys that the error in inventorship occurred without deceptive intent on their part;
- A Supplemental Declaration and Power of Attorney executed by Edward H. Overstreet, Leonid M. Litvak and Michael A Faltys;
- The processing fee of \$130.00 set forth in 37 CFR 1.17(i); and
- A written consent of the assignee, executed by Bryant R. Gold, Vice President & Chief Intellectual Property Counsel, Advanced Bionics Corporation.

The Examiner is hereby informed that a Notice of Allowance was mailed on December 15, 2006 and the Issue Fee was paid on March 8, 2007. From the Issue Notification, the projected issue date is April 17, 2007.

Please charge \$130.00 as the processing fee set forth in 37 CFR 1.17(i) to Deposit  
Account No. 50-0648.

Respectfully Submitted,

March 30, 2007

/victoria aguilera poissant/  
Victoria A. Poissant  
Reg. No. 56,871

Address all correspondence to:

Bryant R. Gold, Reg. No. 29,715  
Advanced Bionics Corporation  
25129 Rye Canyon Rd.  
Valencia, CA 91355  
Fax: (661) 362-1507 or (760) 788-9629

Address all telephone inquiries to:

Victoria A. Poissant  
(661) 362-1923

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**STATEMENT FROM INVENTOR UNDER 37 CFR 1.48(a)**

I, Leonid M. Litvak, state that the inventorship error in the non-provisional application filed October 31, 2003, entitled "Method and System for Generating a Cochlear Implant Program Using Multi-Electrode Stimulation to Elicit the Electrically-Evoked Compound Action Potential", Serial No. 10/698,098, occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the '098 pending application or any patent issuing thereon.

March 29 '07

Date



Leonid M. Litvak

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicants: Overstreet, et al.

Filed: 10/31/2003

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**STATEMENT FROM INVENTOR UNDER 37 CFR 1.48(a)**

I, Michael A. Faltys, state that the inventorship error in the non-provisional application filed October 31, 2003, entitled "Method and System for Generating a Cochlear Implant Program Using Multi-Electrode Stimulation to Elicit the Electrically-Evoked Compound Action Potential", Serial No. 10/698,098, occurred without deceptive intention on my part.

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3/29/07

Date



Michael A. Faltys

**PATENT APPLICATION****SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION****ATTORNEY DOCKET NO. 05-00630-02**

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method and System for Generating a Cochlear Implant Program Using Multi-Electrode Stimulation to Elicit the Electrically-Evoked Compound Action Potential

the specification of which is attached hereto unless the following box is checked:

(X) was filed on October 31, 2003 as US Application Serial No. or PCT International Application Number 10/698,098 and was amended on October 5, 2006 (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

**Foreign Application(s) and/or Claim of Foreign Priority**

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: NO:
			YES: NO:

**Provisional Application**

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE
60/425,208	11/08/2003

**U.S. Priority Claim**

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented/pending/abandoned)

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Bryant R. Gold, Reg. No. 29715  
Victoria A. Poissant, Reg. No. 56871

Laura Haburay Bishop, Reg. No. 47424  
Albert Kau, Reg. No. 40672

Philip H. Lee, Reg. No. 50645

**Send Correspondence to:**

Bryant R. Gold  
Advanced Bionics Corporation  
25129 Rye Canyon Road  
Valencia, CA 91355

**Direct Telephone Calls To:**

Bryant R. Gold  
(760) 788-8138 or  
(661) 362-1771

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Edward H. Overstreet

Citizenship: US

Residence: 23404 Gaucho Court, Valencia CA 91355

Post Office Address: Same

3/29/2007

SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION (continued)

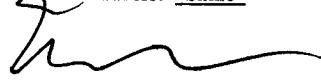
ATTORNEY DOCKET NO. 05-00630-02

Full Name of Inventor: Leonid M. Litvak

Citizenship: United States of America

Residence: 853 N. Formosa Ave., #3, Los Angeles, CA 90046

Post Office Address: Same



Inventor's Signature

March 29 '07

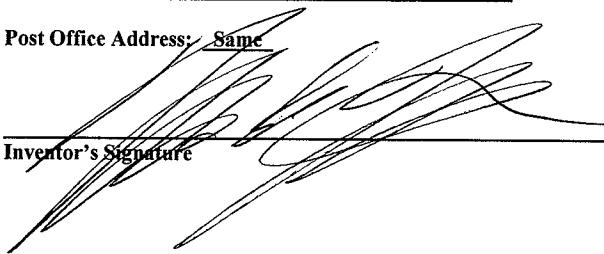
Date

Full Name of Inventor: Michael A. Faltys

Citizenship: United States of America

Residence: 19235 Celtic Street, Northridge CA 91326

Post Office Address: Same

  
Inventor's Signature

3/29/07

Date

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**CONSENT BY ASSIGNEE TO ADD AN INVENTOR UNDER 37 CFR 1.48(a)**

A consent is hereby granted to add Leonid M. Litvak and Michael A Faltys as inventors under 37 CFR 1.48(a) to the non-provisional application filed October 31, 2003, entitled "Method and System for Generating a Cochlear Implant Program Using Multi-Electrode Stimulation to Elicit the Electrically-Evoked Compound Action Potential", Serial No. 10/698,098.

An Assignment of Assignor's interest for the subject application was recorded with the United States Patent and Trademark Office on July 08, 2004, REEL/FRAME: 014831/0541. The "Notice of Recordation of Assignment Document" is submitted concurrently herewith.

3-30-07

Date

  
\_\_\_\_\_  
Bryant R. Gold  
Vice President &  
Chief Intellectual Property Counsel,  
Advanced Bionics Corporation

Address all correspondence to:

Bryant R. Gold, Reg. No. 29,715  
Advanced Bionics Corporation  
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Phone: (760) 788-8138 or (661) 362-1771  
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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



JULY 09, 2004

PTAS

\*700097514A\*

ADVANCED BIONICS CORPORATION  
BRYANT R. GOLD  
25129 RYE CANYON ROAD  
VALENCIA, CA 91355

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/08/2004

REEL/FRAME: 014831/0541

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

OVERSTREET, EDWARD H.

DOC DATE: 10/31/2003

## ASSIGNEE:

ADVANCED BIONICS CORPORATION  
25129 RYE CANYON ROAD  
VALENCIA, CALIFORNIA 91355

SERIAL NUMBER: 10698098

FILING DATE: 10/31/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD AND SYSTEM FOR GENERATING A COCHLEAR IMPLANT PROGRAM USING  
MULTI-ELECTRODE STIMULATION TO ELICIT THE ELECTRICALLY-EVOKED  
COMPOUND ACTION POTENTIAL

014831/0541 PAGE 2

MARCUS KIRK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS